

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, ) 4:04CR3010  
 )  
 v. )  
 )  
 BRANDI L. STEVENS, ) MEMORANDUM AND ORDER  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Upon consideration of the defendant's unopposed motion for release, in light of the defendant's history of failing to comply with conditions of release (see [filing 15](#) and [41](#)), and her recent misrepresentations to her counsel and the court at her initial appearance in this matter, she has failed to demonstrate by clear and convincing evidence that the proposed release plan will reasonably assure her appearance and the safety of the community pending her revocation hearing. In addition, one of the pending allegations of violations, if found to be true, would require imprisonment; as a practical matter, since the revocation hearing is only a few days away, it is preferable to delay consideration of release until that allegation has been resolved. I conclude it is inappropriate to release the defendant pending her revocation hearing before Senior Judge Urbom on October 15, 2008.

Although the motion states that it is unopposed by the probation officer, the court has now been advised that the defendant has outstanding warrants for her arrest and the supervising officer opposes release.

IT THEREFORE HEREBY IS ORDERED,

The motion, [filing 64](#), is denied.

DATED this 9<sup>th</sup> day of October, 2008.

BY THE COURT:

s/ *David L. Piester*  
David L. Piester  
United States Magistrate Judge